

**DRAFT**  
**Washington Department of Fish and Wildlife (WDFW)**  
**Centennial Accord Implementation Plan**  
**December 3, 2001**

**Background**

The procedures for government-to-government policy implementation between WDFW and the Northwest Indian tribes largely have been well-established through a number of federal court orders, memoranda of understanding (MOUs), agreements, and state-tribal management plans related to fish and wildlife population management, fisheries, and hunting. Notable examples of federal case law that provide the legal foundation for the cooperative management relationship between WDFW and the treaty Indian tribes include *U.S. v Washington*, *U.S. v Oregon*, and *Hoh v Baldrige*. It is not the intent of this Centennial Accord Implementation Plan to attempt listing all such court orders, understandings, agreements, and plans, but to highlight mechanisms already in place to develop joint management plans, discuss key policy issues, and resolve any potential disputes between WDFW and the Northwest Indian tribes.

**Plan**

1. Programs (list of programs and services available to tribes)

Besides the normal co-management activities of WDFW and the tribes, a number of services are available to tribal members that WDFW provides to the public at large. Reference to most of these services can be found on WDFW's internet site: <http://www.wa.gov/wdfw/>, but information contacts are also provided in Attachment 1. Some examples of these services are listed below:

- Recreational fishing licenses for tribal members sportfishing outside their exercise of treaty fishing rights- available online (<http://www.wa.gov/wdfw/>), at various sporting good stores, regional WDFW offices, and the Olympia WDFW headquarters in Olympia; commercial fishing licenses for similar non-treaty activities are also available, subject to a number of restrictions and limitations that can be investigated by contacting the Licensing Office (Attachment 1).
- A variety of regional information on fish and wildlife populations, habitat and enforcement issues can be obtained by contacting the appropriate regional office (see Attachments 1 and 2).
- Volunteer fish culture and habitat improvement opportunities can be accessed through various WDFW sponsored activities, including co-op groups and regional fishery enhancement groups - information available on the internet at: <http://www.wa.gov/wdfw/volunter/index.htm>, or by calling Volunteer Services (Attachment 1).
- **The Washington State Department of Fish and Wildlife, Enforcement Program has**

**instituted an on-line reporting page for fish/wildlife violations (internet address: <http://www.wa.gov/wdfw/enf/poaching.htm>). This information provides any individual, including tribal members, who witness a fish and wildlife offense to report the violation. Individuals that witness and would like to report a violation, can also call toll-free 1-800-477-6224. (Please note that on-line E-mail will only be read during regular business hours, between 8:00 a.m. and 5:00 p.m, Monday - Friday. On-going violations needing immediate response should be phoned in to insure prompt response). Reports are confidential and are forwarded to a Fish & Wildlife Officer for investigation.**

**Violator information that leads to an arrest, could be eligible for a cash reward (\$50 for fish and \$100 for wildlife), or hunting bonus points (10 points). Hunting bonus points give you a better chance for the special permit season. (Note: Depending on the case, a reward of up to \$500 is possible). Other fish and wildlife enforcement information is also available at the above internet address.**

- **Permanent employment opportunities with WDFW are normally filled through the procedures and services of the State Department of Personnel (internet site: <http://hr.dop.wa.gov/>). Job links and employment search services also are available through the internet at: <http://www.wa.gov/esd/employment.html> . Information on temporary job opportunities with WDFW can be obtained by calling WDFW's personnel office (Attachment 1).**
- A variety of information on salmon recovery is available on WDFW's web site at: <http://www.wa.gov/wdfw/recovery.htm> .

## 2. Funding Distribution (list of funding distribution methods currently available to tribes)

WDFW does not administer a significant array of funding assistance programs. However, with respect to implementing volunteer programs for fish culture and habitat improvement projects, Volunteer Services does oversee several programs that provide some project assistance (Attachment 1). The Salmon Recovery Funding Board, on which WDFW and tribes have representation, provides significant competitive funding of salmon habitat projects. Contact information is as follows: Salmon Recovery Funding Board, 1111 Washington Street SE , P.O. Box 40917, Olympia, Washington 98504-0917 (Telephone (360) 902-2636 ; FAX - (360) 902-3026 ; TDD - (360) 902-1996; E-Mail [Salmon@iac.wa.gov](mailto:Salmon@iac.wa.gov)) . The Board's internet address is: <http://www.wa.gov/iac/salmonmain.html> .

## 3. Consultation Process

### General

WDFW and the tribes consult through a variety of co-management forums. The Natural Resource policy leaders in each of the tribes are the best initial contacts to determine the appropriate forum or WDFW representative to contact about any particular policy issue. An annual state-tribal co-management meeting of WDFW and the coastal/Puget Sound treaty Indian

tribes is typically held in May - organizers are the Northwest Indian Fisheries Commission on behalf of the tribes and WDFW's Intergovernmental Policy Group (list of various WDFW contacts provided below). An annual shellfish co-management meeting between WDFW and the Puget Sound treaty Indian tribes is scheduled at varying calendar times. The annual state-tribal North of Falcon planning process occurs between late February and early April each year to negotiate and agree to annual salmon fishing seasons and management processes for the Columbia River, Coastal, and Puget Sound areas. WDFW and the tribes are intending to annually meet to review the implementation of deer and elk herd plans after they are developed. WDFW and the tribes meet in numerous regional forums to jointly develop management plans for steelhead, marine fish, and a variety of shellfish species. The Policy Advisory Group (PAC) on the Columbia River provides a well-established state-tribal policy communication forum among state, tribal, and federal managers as does the Columbia Basin Fish and Wildlife Authority.

Because these types of contacts are routine and involve a large number of WDFW staff, WDFW does not have any single tribal liaison or contact point. Nevertheless, a list of key contacts is provided below that can serve as communication points for various state-tribal policy issues regarding fish and wildlife and their habitats. A map of the various Fish and Wildlife regions is presented in Attachment 2. If any doubts exist about who to contact regarding a state-tribal fish and wildlife issue, please call Phil Anderson or Rich Lincoln in WDFW's Intergovernmental Policy Group (contact numbers below).

#### Contact

Jeff Koenings, Director: 360-902-2225  
 Larry Peck, Deputy Director: 360-902-2650  
 Phil Anderson, Special Assistant to the Director: 360-902-2720  
 John Andrews, Region 1 Director: 509-456-4079  
 Dennis Beich, Region 2 Director: 509-754-4624  
 Jeff Tayer, Region 3 Director: 509-575-2740  
 Bob Everitt, Region 4 Director: 425-775-1311 X 117  
 Lee Van Tussenbrook, Reg 5 Director: 360-906-6704  
 Steve Keller, Region 6 Director: 360-249-1223  
 Rich Lincoln, Intergovernmental Policy: 360-902-2750  
 John Mankowski, Intergovernmental Policy: 360-902-2589  
 Bill Tweit, Intergovernmental Policy: 260-902-2723  
 Pat Pattillo, Intergovernmental Policy: 360-902-2705  
 Lisa Veneroso, Intergovernmental Policy: 360-902-2836  
 Teresa Scott, Intergovernmental Policy: 360-902-2713  
 Dave Brittell, Wildlife Program Assistant Dir.: 360-902-2504  
 Lew Atkins, Fish Program Assistant Director: 360-902-2651  
 Greg Hueckel, Habitat Program Assistant Dir.: 360-902-2416  
 Bruce Bjork, Enforcement Assistant Director: 360-902-2373  
 Dave Ware, Program Mgr.: 360-902 2509  
 Tim Smith, Special Assistant to the Director: 360-902-2223  
 Josh Weiss, Legislative Liaison: 360-902-2226

#### Policy Area

Agency-wide policy  
 Agency-wide policy  
 Intergovernmental/tribal policy leader  
 Regional policy representative  
 Regional policy representative  
 Regional policy representative  
 Regional policy representative  
 Regional policy representative  
 Regional policy representative  
 Fish management policy lead  
 Environmental policy lead  
 Columbia River policy lead  
 Salmon policy coordinator  
 Shellfish policy coordinator  
 Salmon recovery coordinator  
 Statewide wildlife management  
 Statewide fish management/hatcheries  
 Statewide habitat management  
 Statewide enforcement chief  
 Big game management lead  
 Legislative and external affairs leader  
 Legislative affairs coordinator

Agreement To Institutionalize The Government-to-Government Relationship In Preparation For The New Millennium: Specific Centennial Accord Implementation Case Study

In November 1999, Governor Locke and Attorney General Gregoire joined tribal leaders from throughout Washington in a summit to review implementation of the 1989 Centennial Accord. One outcome of this meeting was an "Agreement To Institutionalize The Government-to-Government Relationship In Preparation For The New Millennium." One aspect of this agreement called for representatives of the State Department of Fish and Wildlife, the Department of Natural Resources, the Attorney General's Office, and the tribes to meet within 10 days to begin resolving outstanding issues between the state and tribes relative to hunting, including differences of geographic scope.

As a result of these events, and in a continuing effort to improve state-tribal management planning and coordination, the Department of Fish and Wildlife began renewed efforts to meet with tribes on a regional basis for the purpose of discussing hunting issues including those pertaining to conservation, management, enforcement, and geographic scope. In December of last year, as part of this effort, **the Department, the Medicine Creek Tribes (Puyallup, Nisqually, Muckleshoot, and Squaxin Island) and the Thurston, Mason, Lewis, Pierce, and Grays Harbor county prosecutors entered into an agreement outlining a process for determining the location of the southern boundary of the lands ceded under the Medicine Creek Treaty. The parties desired a determination as to the location of the southern boundary of the cession in order to guide their wildlife enforcement efforts. More specifically, the parties agreed that the boundary determination would be used as a basis for all regulatory and prosecutorial decisions concerning the exercise of treaty hunting rights. Treaty Tribe members engaged in hunting activities within the boundaries of the cession area would be presumed to be hunting within the geographic scope of the hunting right.<sup>1</sup> This presumption would not exist for tribal hunters on lands determined to be outside of the cession area.**

**This agreement called for the joint selection of two facilitators/mediators to determine the location of the southern cession boundary. Due to the delay in finalizing the individual contracts with the facilitators, the parties did not submit the first round of briefing until February 2, 2001.**

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<sup>1</sup> The Washington Supreme Court has determined that the geographic scope of the treaty hunting right "would certainly include the territory ceded to the United States and described in article I of the Treaty of Point Elliott, and may include other areas if those areas are proven to have been actually used for hunting and occupied by the Nooksack Tribe over an extended period of time." *State v. Buchanan*, 138 Wash. 2d 186, 207 (1999).

**On June 20, 2001, the facilitators issued their determination to the parties. The facilitators noted at the outset that the canons of treaty interpretation require that the intention of the parties be determined. The Department will be briefing its Fish and Wildlife Commission in early August on the status of this issue and soliciting the Commission's guidance to the Department concerning appropriate next steps for final resolution of the geographic scope issue regarding the Medicine Creek Treaty's ceded area southern boundary.**

#### 4. Dispute Resolution Process

WDFW and the Northwest tribes utilize a number of informal and formal dispute resolution processes. Informal dispute resolution normally entails policy-to-policy contacts, which also represent the first stage of formal dispute resolution. In the *U.S. v Washington* case area, a formal meet and confer provision is identified in the Puget Sound Salmon Management Plan as a dispute resolution precursor to court litigation on salmon management issues. Technical salmon management disputes may be resolved through a Fisheries Advisory Board, which has been established as a formal dispute resolution mechanism of continuing federal court jurisdiction under *U.S. v Washington*. Most state-tribal fishery management plans specifically identify dispute resolution mechanisms or processes.

This Centennial Accord Plan will be presented to the Washington Fish and Wildlife Commission at its next meeting to be held December 7, 2001. Following the Commission's review, the Director will submit the Department's final plan to the Governor's Office of Indian Affairs.